WHITE PAPER ON SMART GROWTH POLICY IN CALIFORNIA

INTRODUCTION

California needs several key changes in current State planning policy and enabling legislation. Our need for a diverse supply of new housing is greater than ever – at the same time that local citizens increasingly oppose building it. The survival and growth of California's economy is dependent on finding a solution to this problem; a solution that can be sustained economically, politically, socially and environmentally over the coming decades, as California's workforce responds to the present and future challenges of the world economy.

The word "growth" once had positive connotations for Californians, and was equated with better jobs, better housing, better shops, better education and a better quality of life. But the mere mention of the word today brings a firestorm of opposition, fuming about traffic congestion, higher taxes, crowded schools, and the paving-over of the landscape. How did it come to pass that a State so proud of its first century of growth, one whose people built so many beautiful villages, towns and cities throughout its vast territory, should have so radically changed its outlook? The reason is that the urban pattern shifted.

Growth in California over the past 50 years has been almost entirely of the type known as suburban sprawl. Prior to that time, new development took the form of traditional, walkable American neighborhoods, each containing a range of housing types, small shops, restaurants and offices, a school and a park. Suburban sprawl, on the other hand, divides these basic components of a city – the residences, the shops and offices, schools and parks – into separate geographic areas by zoning, and then connects the areas to one another with roadways. The result is that residents have to drive to virtually every destination, leading to intractable traffic congestion and the associated human cost in lost time, the balkanization of our population by income level, and the disenfranchisement of those who cannot drive.

Over the past 20 years, the planning profession has begun to reform itself, based on the lessons learned from the last 50 years of building sprawl, and on the observed empirical success and value of older neighborhoods. The idea of combining the flexibility and charm of our historic neighborhoods with the functional benefits of modern houses and commercial development is a powerful, and now proven, strategy for planning growth. The resulting new neighborhoods are the basic building blocks for community development, and may be assembled into villages, towns, cities and well-planned regions. This new way of planning is called Smart Growth.

Smart Growth is compact and uses land efficiently, conserving agricultural and wild lands. Smart Growth allows residences of all types – single-family houses, town houses, condos, apartments – to be intermixed in a single neighborhood in ways that increase, not decrease, their value. Smart Growth allows small neighborhood-serving shops and restaurants to be located within the neighborhood or at its edge, so that customers have a choice of whether to walk, bike or drive to them. Smart Growth incorporates schools and parks into the neighborhood fabric so that children can walk to them, giving the children a great sense of power and self-sufficiency while freeing the parents from permanent chauffeur duty. Smart growth locates large-scale employment investment in mature urban areas, and smaller scale employment opportunities for entrepreneurs in all areas. Smart Growth encourages flexible and timeless mixed-use building types that can be adapted to new uses many times during their life-cycle, supporting changing business needs in a dynamic economy without demolishing and land-filling 10-year-old buildings each business cycle.

It is now widely recognized that Smart Growth is a better and environmentally superior way to build communities. The most obvious questions are, why isn't everyone already building Smart Growth everywhere, and what can the State do to promote Smart Growth? This paper is intended to begin to answer those questions.

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BACKGROUND - CALIFORNIA'S BUILT HERITAGE

In the early days of land development in California – from 1890 to 1930 for instance – new towns and new neighborhoods were generally welcomed for the housing and the economic opportunity they brought, and their developers were celebrated as town founders. These early towns were first of all places for people – places to live, places to work, places to shop and places to gather together as a community – all knitted together into compact, walkable neighborhoods and downtown districts. The public spaces of the town – the parks, greens, squares and plazas – were the living rooms of the community, where residents of all ages and incomes came together in the course of their daily lives. These places were designed to allow children to walk to the schools and parks, to allow young families and older couples – and poorer families and wealthier families – to all live in the same neighborhood together, to allow many daily errands to nearby stores and restaurants to be done on foot, and to allow people to move from neighborhood to neighborhood by way of efficient public transit systems that included streetcars, trains and buses.

Almost all of the downtowns and in-town neighborhoods in California's best-loved cities were built in this period, including large areas of San Francisco, San Diego, Beverly Hills, Rancho Palos Verdes, Westwood, Pasadena, Modesto, Chico, San Mateo, Santa Barbara, Carmel, Sonoma, and Sacramento. These places were built by land developers, intent on making a profit while creating great places for people to live. In both endeavors they were very successful – so successful in fact that these places remain to this day the most valuable real estate in California.

RECENT PLANNING PRACTICE - SUBURBAN SPRAWL

While it is intuitively and empirically obvious that the old-style neighborhoods are desirable and valuable, it is less clear why people stopped building them. Over the past 50 years a very different type of development has become the norm. It is called suburban sprawl, and is based on a perceived need to separate nearly every activity of daily life from every other activity by an automobile trip, building places mainly for cars rather than for people.

Sprawl is largely a product of zoning regulations – originally intended to separate housing from sooty industrial uses – which have evolved into a complex and largely counterproductive practice of separating houses from apartments, offices from residences, medical offices from commercial offices, and shopping centers from the neighborhoods where shoppers live. This practice is administratively convenient – residents can't complain about noise or odors from restaurants that are far away, and traffic counts are easy to predict since everyone arrives everywhere with a car – but the social and environmental damage is high, and the quality of life, tied to the steering wheel, is not.

Just two generations ago, before sprawl fully took hold, when a green field was developed, a new neighborhood or town was gained. Citizens then saw a fair transaction: a piece of nature traded for community, wealth and opportunity. But today, with only the suburban pattern available, citizens expect the farm field to become merely another housing subdivision, or a shopping center, or a business park rather than more of their town, and therefore as a net loss transaction. In response to increasing public outcry, as evidenced through "ballot-box planning" and unpredictable grassroots challenges, government has responded by requiring more and more detailed analysis at the project review level. These requirements discourage investment, drive up costs, and rarely improve the quality of the built project, sometimes making the built environment even worse.

Sprawl presents different problems for each group of stakeholders. For developers and investors, it is the uncertainty of entitlements, due to citizen opposition. For citizens and voters, sprawl-based project proposals usually mean a win-lose tradeoff, with the local residents losing their prized quality of life as more formulaic, traffic-inducing, one-size-fits-all development comes to town. For local governments, sprawl creates intractable long-term requirements for capital replacement and service spending against a rising tide of traffic, unaffordable housing, unbalanced jobs/housing, fiscalized land uses, and a never-ending appetite for undeveloped land at the edge of town.

PAST COURSE CORRECTIONS

California has a commendable history of recognizing problems caused by the private practice and public guidance of land development, and of instituting measures to correct them:

- The *1915 Subdivision Map Act* responded to the need for consumer protection in a time of widespread shady real estate marketing schemes;
- Los Angeles was one of the first U.S. cities to *segregate land uses by zone* and regulate the future uses of vacant land, hoping to prevent new development that would damage the value of adjoining neighborhoods;
- California initiated the requirement that each city and county have a *comprehensive general plan*, later adopted state law amendments mandating specific general plan elements, and then the requirement that zoning regulations be consistent with the plan, acknowledging the importance of a community's proactively exploring its future prospects and publicly formulating an approach to become the place it wants to be.

RECENT STOPGAP MEASURES

More recently, two techniques for managing community development have become the cornerstones of current zoning practice in California: planned development overlay zones, and discretionary review. Interestingly, both are locally developed, process-based responses to the widespread perception that projects designed per standard zoning codes are of low quality, or do not fit into the community.

- *Planned development overlays* typically allow a developer to propose a project that complies with none of the "uniform" project design standards of a zoning code. This can allow approval of projects with setbacks, heights, and parking that are entirely different from those normally required. The zoning codes that allow this approach often explicitly state that the process is provided to allow projects that are "better designed" than those that would be produced through the application of the normal zoning standards. While this provides some isolated opportunities for good building design, it does nothing to ensure a cohesive community design, and one must wonder why the overall code could not be written to facilitate good design in the first place. The fact that the planned development process exists at all is a clear indicator that in some fundamental ways the basic provisions of the zoning code do not work.
- *Discretionary review* is based on the premise that for many types of development, the key standards of the zoning code (again, setback requirements, height limits, parking requirements, etc.) cannot be relied upon to ensure that a project will be appropriate to its site and surroundings. Discretionary review was originally introduced in zoning codes to allow the governing jurisdiction to address special problems or impacts that otherwise desirable projects might have on the community, such as high traffic volumes, parking requirements or nuisance potential. More recently this type of review has been extended to almost all projects in many communities, even projects as small as individual single-family homes. This is so because the community, or its elected or appointed officials, has no confidence that its zoning code will operate effectively without constant public intervention and oversight.

While public input is invaluable to community decisions about growth and development, it is not by itself sufficient to produce development that benefits the community. Too often, planning commissions and design review boards spend weeks or months doing little more than rearranging and redecorating buildings and parking lots in a fundamentally flawed site plan, neighborhood plan or general plan. An obvious negative consequence of both the planned development and discretionary review procedures is *a high level of uncertainty* about their outcome. Developers have no certainty about the nature of the project , if any; that they will eventually be allowed to build, nor do project neighbors have any certainty about what type of project,, if any, will be built next door to them, because the decision making has become completely politicized. A new way to comprehensively regulate the planning and design of our communities is needed.

SMART GROWTH THROUGH FORM-BASED CODES

The current zoning and subdivision ordinances of most California cities and counties are *use-based* – that is, their primary consideration is the grouping of similar and related land uses, while separating them from all other uses that are perceived to be potentially incompatible. Such zoning codes make it impossible to construct the walkable, compact, mixed-use neighborhoods of California's great historic cities and towns. The traditional patterns of buildings with porches and storefronts close to the streets is now illegal, while parking in the front yards is not only allowed but is essentially required – San Francisco, Santa Barbara, San Diego and Sacramento could not be built under these codes.

Over the past 15 years, *form-based* codes have been developed throughout the United States as alternatives to *use-based* codes. These are multi-disciplinary codes that link the design of circulation and public space networks to the design of private buildings and lots. It is the high quality of these interconnections – the connections between public space and private buildings – that make cities and towns great; and it is precisely these connections that are completely missing in sprawl. For example, a beautiful house with a gracious front porch, or a restaurant with sidewalk dining, does not work at all if it is built on a wide street with fast traffic and no curbside parking. And beautiful tree-lined streets are of little use for walking if there is no school or park or café or bus stop to walk to. The form-based code is a kit of parts, with instructions, that defines the design of the streets and the buildings and the connections between them – a recipe for building entire, functioning neighborhoods that include all types of housing and the supporting commercial uses that bring life's daily needs to the neighborhood.

This approach is in sharp contrast to the status quo, in which many specialists design, separately, the components of sprawl. In this current system of planning, the land use planners decide which zoning map color is to be applied to each piece of land (the environmental planners decide which areas are colored green), the traffic engineers then calculate how many lanes of traffic will at least initially avoid gridlock, the civil engineers lay out the roads based on the developer's land sale program, architects and planners calculate how many parking spaces are needed, architects design buildings in the areas not already taken by parking lots, and finally landscape architects do their best to hide the parking lots and buildings with trees, berms and shrubs.

Individually, the decisions that these specialists make are quite plausible, but collectively, they lead to an increasingly dysfunctional pattern. For instance, width standards for residential streets have steadily increased, due mainly to the efforts of emergency responders such as fire districts. Today, new residential streets are forty to sixty feet wide – the same widths specified for the highways of just a few years ago. These excessive widths are proven to encourage high vehicle speeds, which are demonstrably dangerous for pedestrians, particularly children and the elderly. These high-speed, high-volume roadway geometries in residential areas also provide for fewer road interconnections, thwarting pedestrians and actually reducing emergency vehicle response capacity. But, even though total public safety is reduced, few local planning officials have the inclination to challenge fire officials on what is usually presented as a one-dimensional technical issue.

The form-based code process, on the other hand, is integrative from the start. The process begins by defining the public spaces – the boulevards, the system of parks and greenways, the vistas to rivers, bays and nature preserves – and then within carefully measured neighborhoods lays out a network of streets and blocks that are scaled first to the pedestrian, then to the lots and buildings, and finally to the automobile. The result is beautiful, livable networks of streets and other public spaces. The automobile is accommodated, but at lower speeds – precisely what one wants in a neighborhood.

The form-based code contains a series of flexible formulas and design conventions that ensure that the buildings will be in scale with the streets and other public spaces, and that a flexible mix of uses may be provided within each neighborhood to meet the program of the developer and the needs of the future residents. Many of the form-based codes are established on the concept of the Transect, a useful tool in calibrating the scale and character of development to its local and regional context.

ADOPTING FORM-BASED CODES

Local jurisdictions that wish to incorporate the principles of Smart Growth into their existing policy and regulatory framework have at least three distinct options.

1. They can modify their existing city-wide regulatory codes. New criteria for building forms can be added to the existing use-based zoning regulations – further developing the basic building envelope criteria already found in zoning ordinances – and new mixed-use zones can be created. However, this is very time consuming, and may ultimately not be worth the trouble since most current codes provide only for the segregation of land uses, the limiting of density, the assurance of sufficient parking and traffic flow, and the provision of certain quantities of undefined "open space." Revising or removing the counterproductive provisions would generally not leave very much behind. The process is also likely to generate extensive debate – particularly regarding changes that affect existing developed areas, leading to compromise that may be so extensive that the modified code is only marginally more effective than the existing one.
2. They can replace their existing city-wide code with a form-based code. For communities with a strong political commitment to the principles of Smart Growth this is an excellent option. However, the wholesale replacement of a familiar regulatory system is bound to generate a great deal of community interest, concern, discussion and debate. Ultimately, the opposition to throwing out the old system entirely has the potential to prevent the new system from being adopted at all.
3. They can adopt a new, form-based code that ensures authentic Smart Growth, for application to areas intended for urban expansion and to developed areas targeted for revitalization. The existing codes can be left in place for other already-developed areas of the community, and can be selected by developers of new areas as well. In some communities, such "parallel codes" may be the most politically viable option. Because they are not mandatory – until adopted for specific parcels of land – the new codes need not be compromised in the process leading to their creation. Calls for dilution of the standards can be rejected by pointing out that "you can continue business as usual, if you wish." Most importantly, by not weakening the standards, the projects built under the new codes can be undiluted, uncompromised good urbanism. These well-coded Smart Growth neighborhoods are palpably different from their sprawl competition, and as their market performance tends to be superior, other developers will tend to be drawn to the Smart Growth model based on its proven market superiority. From a regulatory standpoint, this approach "levels the playing field" so that Smart Growth can compete head-to-head with sprawl in the marketplace.

WHAT THE STATE OF CALIFORNIA CAN DO

While land use decisions are made at the local level, the State has great influence over many aspects of the land development process. The following specific State-level actions are recommended.

- To ensure orderly development, the State provides standards for General Plan content, and guidelines for General Plan preparation. To date, the State's guidelines have focused more on the form and content of the General Plan documents than on the urban form they produce. The State has an opportunity to recommend the inclusion of the values of Smart Growth in General Plans, and to provide model language to assist local governments in embedding the values and techniques of Smart Growth in the policy frameworks that guide their growth and development.
- To enable local governments to quickly and cost-effectively create regulatory documents that will implement the principles of Smart Growth, the State has the opportunity to prepare one or more model form-based codes that provide a framework into which local agencies can embed those building types and public space types that are most compatible with local traditions and climate. These form-based codes would include a model provisions for the building of streets and other infrastructure (model public works standards), the subdivision of land into

neighborhoods, blocks and lots (model subdivision ordinance), and the design and use of buildings (model zoning ordinance).

- To create incentives for the adoption of form-based codes, the State can commission program level environmental analysis of Smart Growth in comparison to suburban sprawl growth. Such analysis will show that – building for building and use for use – Smart Growth causes fewer and less severe negative environmental consequences than a comparable quantity of suburban sprawl – provided that growth areas are properly located with respect to natural resources, infrastructure, and established communities. Based on this analysis, Smart Growth can be offered preferential permitting procedures, and can be found to be an environmentally superior alternative to sprawl under CEQA.
- To encourage compact, pedestrian-oriented and transit-oriented development, the State can strengthen and expand programs that provide tax advantages and infrastructure funding support for such projects (e.g. Transit Villages) which provide less of a strain on limited transportation resources than sprawl.
- To ensure that there is no question that form-based codes are as appropriate in California as use-based codes, the State can amend Government Code Section 65302(a) for Land Use Elements of General Plans by adding a new paragraph at the end of that section, such as the following:

  The text and diagrams in the land use element that address the location and extent of land uses, and the community's zoning regulations that implement these provisions, may also express community intentions regarding urban form and design. These may differentiate neighborhoods, districts, and corridors, provide for a mixture of land uses and housing types within each, and may provide specific measures for regulating relationships between buildings, between buildings and the public realm of the street.

CONCLUSION

Considering the enormous amounts of time, financial resources and political capital that are spent debating growth and land development in California, it would seem reasonable to expect that the built result would be communities that people love, that are easy to get around in, that offer opportunities for businesses of all types and sizes, and that provide housing for all segments of our population. The outcome, however, is much too often more traffic jams, housing that is less and less affordable, commercial space oriented to large national chains rather than local entrepreneurs, and neighborhoods that prematurely lose their value as the residents who can afford to flee to the next ring of new development farther out on the suburban fringe.

The political fallout of this is often that new developments are fought through every legal and political means available, as though they were a toxic substance being released into the environment rather than places for us, our parents and our children to live. Moreover, those who cannot afford to move to the new edge communities are left behind in the rapidly declining inner rings of sprawl that were designed to be the edge of town not the middle, are not adaptable, and were not built to last.

By embedding the principles of Smart Growth in its guidelines for General Plans, by preparing model implementing ordinances and environmental analysis that local jurisdictions can build on, and by targeting State funding to communities that put Smart Growth into practice, the State of California can have an enormous and beneficial influence on the quality of the urban environments in our towns and cities for decades to come, while protecting the quality of California's irreplaceable agricultural and natural environments for future generations.

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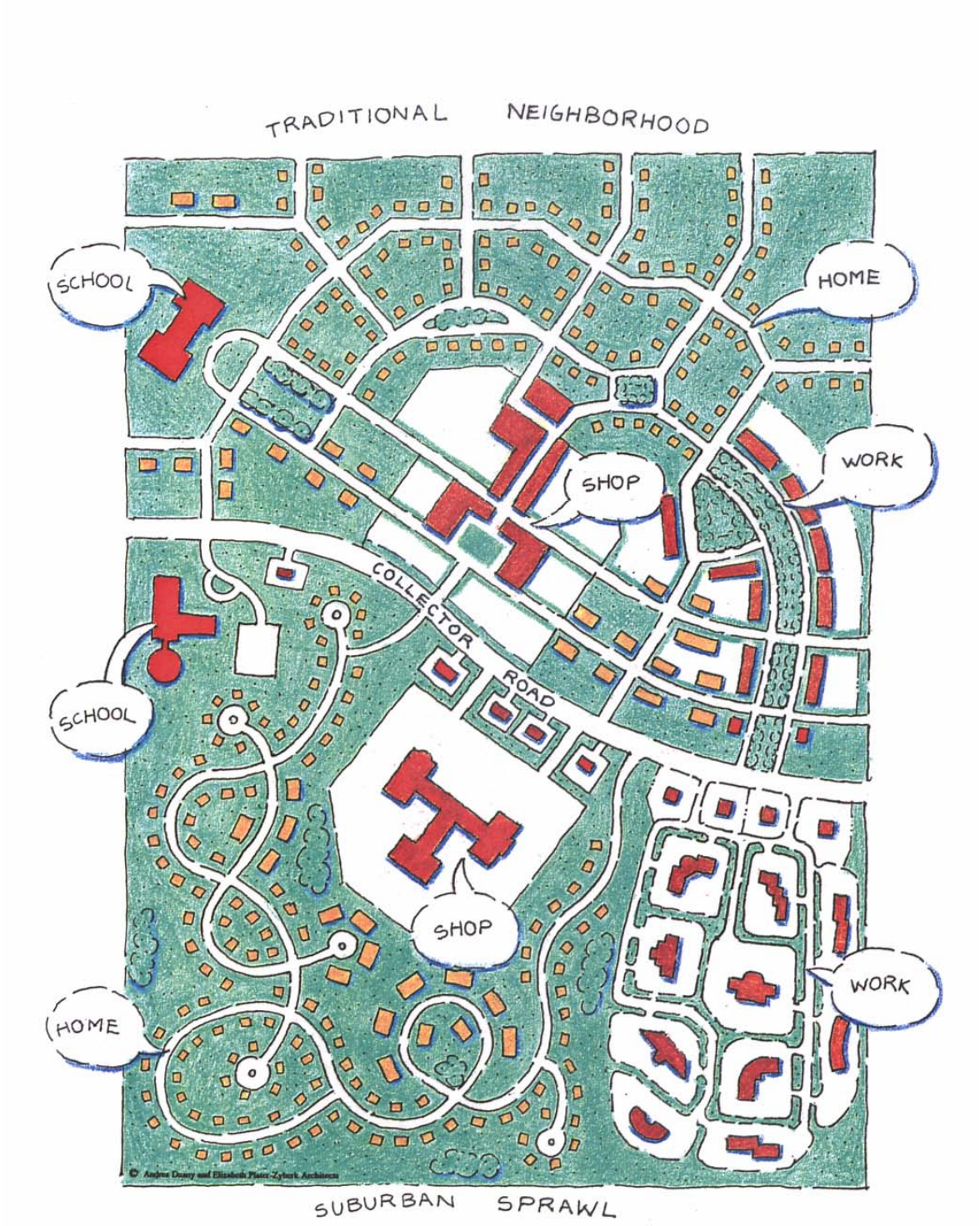
APPENDIX A – SMART GROWTH VS. SUBURBAN SPRAWL

From the Colonial Period until World War II, the fundamental building block of American villages, towns and cities was the traditional, walkable, mixed-use neighborhood. Its framework was an interconnected network of streets, greens, parks and squares, lined with trees and with buildings that faced them with storefronts, stoops and porches. When a community grew, an existing neighborhood was extended, or a new neighborhood added, with its streets connected to those of the adjoining neighborhoods.

Suddenly, in the 50 years following World War II, an entirely new and different pattern of urban growth has become the norm. It is based on the single-use subdivision, wherein a large parcel of land at the edge of town – usually a farm – is subdivided into lots, all of which have the same type of land use and the same types of buildings. The streets of these subdivisions are not generally connected to those of adjoining neighborhoods, and their buildings face the streets with garage doors or parking lots. It is during this period of time that unprecedented political opposition to urban growth has grown from a grumble to a roar.

In the past 15 years, the planning profession has come to recognize the many advantages of the prewar pattern of traditional neighborhoods, and has begun to combine their most successful design characteristics with modern building technology. This marriage of old and new – set in a context of well-planned regions with protected open space and environmental resources – is variously called New Urbanism, Traditional Neighborhood Development or Smart Growth.

The diagram on the following page, drawn by Tom Low of Duany Plater-Zyberk and Company, illustrates some of the key characteristics of Smart Growth and suburban sprawl, highlighting some important differences. For the purposes of these diagrams, references to traditional American neighborhoods should be considered as synonymous with Smart Growth. The photographs on the final page capture some of the key physical characteristics that typify suburban sprawl, and its antidote, Smart Growth.



In the traditional neighborhood (top), the street network connects residential, commercial and civic uses, and the blocks are relatively small so that pedestrians can easily move wherever they want in the neighborhood. In suburban sprawl (bottom), the different uses are divided into separate areas, only connected by the collector road. This means that even very nearby places, as the crow flies, are not accessible on foot, and all the resulting car trips must hit the collector, ensuring traffic jams.

APPENDIX A – SMART GROWTH VS. SUBURBAN SPRAWL

SMART GROWTH & TRADITIONAL CALIFORNIA URBANISM

Walkable neighborhoods

Mixed-use neighborhood centers

Mixed-use town centers, focused on public spaces and civic uses

SUBURBAN SPRAWL

Automobile-oriented housing tracts

Single-use "neighborhood centers"

Freeway-oriented "town centers," focused on parking lots

APPENDIX B – THE TRANSECT THEORY

There is a comprehensive design theory that organizes the full continuum of human environments, from remote wilderness to dense downtowns. This system, known as the Transect, now guides the planning and design of many new villages, towns and cities, and is the framework for development codes now being adopted by counties in several states.

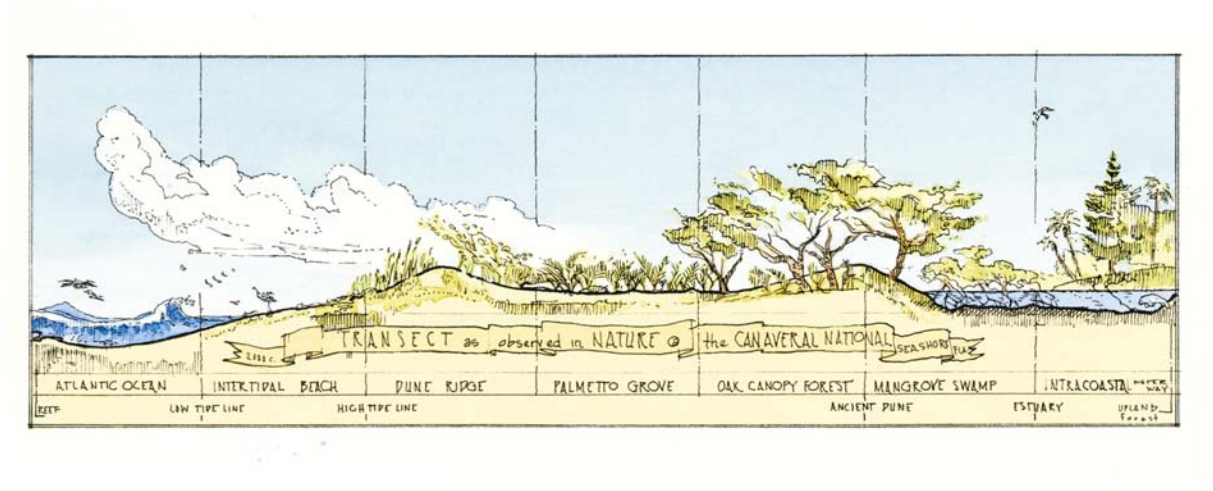
The Transect is a concept drawn from ecology. It is a geographical cross section through a sequence of contiguous environments – for example, from wetland to upland, or tundra to foothill. The Transect can be extended from the natural environments into to the human habitat by introducing settlements of gradually increasing density. The gradient spans from the cabin in the woods to the large suburban lots in a common lawn served by a spare network of roads; and on to progressively more urban neighborhoods and downtowns. Rural villages and towns are composed, in varying measures, of these gradients, and cities extend the range to an urban core made of buildings and public spaces with little, if any, nature.

Each sector within the Transect provides a living environment that meets the basic human needs and desires, and each sector provides a slightly different type of living environment, offering a region's population a broad range of lifestyle choices. And based on our observations of vibrant communities everywhere, we find a commonality among the design principles for each sector of the Transect from region to region. At the boundaries between sectors, including those from the natural to the man-made, an overlapping of the design characteristics across boundaries allows them to fit together smoothly, connected to one another with across soft borders much as natural environments are connected, rather than artificially segregated from one another by hard, manmade divisions.

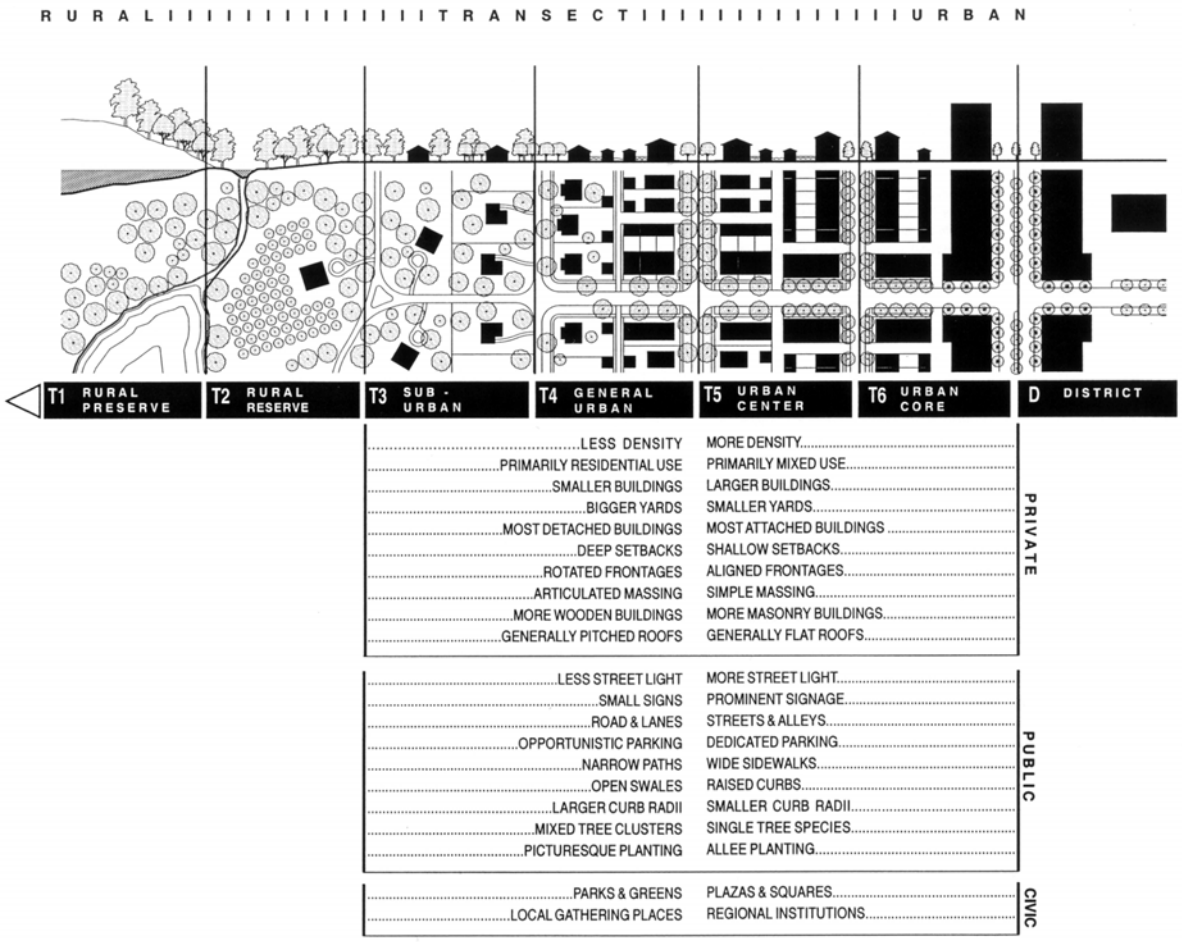
The Transect does not eliminate the standards embodied in present zoning codes. It simply assigns them into the sectors of the Transect where they belong. Thus existing requirements for wide streets are not deemed to be right or wrong, but rather correctly or incorrectly located. Wider streets may be appropriate where speed of movement is justified even at the expense of the pedestrian environment. Similarly, current standards for closed drainage systems are not wrong; they are just appropriate only for urban areas with curbs and sidewalks. In rural areas, rainwater can infiltrate through deep, green setbacks and swales. In fact, the Transect widens the range of design options. Under conventional codes, for example, front setbacks must either be a 25-foot grass yard or a paved parking lot. The Transect offers and assigns at least six more options.

Not all possible environments fit neatly into the Transect. Civic buildings such as religious, educational, governmental and cultural institutions often demand special treatment or locations. Airports, truck depots, mines and factories are also better off in their own separate zones.

However, the Transect does away with many other unjustified forms of single-use zoning, in which uniting the places of daily life – the dwellings, shops and workplaces – is illegal or requires variances. In this regard, a Transect-based code reverses the current coding system, forcing the specialists – planners, engineers, architects, landscape architects – to integrate their work to create unified and immersive environments for humans. Such a code is a new system that, as the architect Le Corbusier said, makes the good easy and the bad difficult. And in so doing it has the power to shape the inexorable growth, that so many Californians dread, into neighborhoods, towns and cities that future generations will love, value and preserve.



A NATURAL TRANSECT



THE URBAN TRANSECT